



SENATE BILL 468: Scientific Integrity Act.

2021-2022 General Assembly

Committee:	Senate Agriculture, Energy, and Environment.	Date:	May 4, 2021
	If favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Sens. Lee, Newton, Perry	Prepared by:	Jennifer McGinnis
Analysis of:	First Edition		Committee Counsel

OVERVIEW: *Senate Bill 468 would require agencies authorized to implement and enforce State and federal environmental laws to provide citations for any data used as a basis for any part of the rule, and require these agencies to consider challenges to this data received during a public comment period for a rule.*

CURRENT LAW: [G.S. 150B-21.2](#) sets forth various procedures that an agency¹ must follow in adopting a permanent rule. Among other things, the statute requires an agency to publish a notice of the text of the proposed rule in the North Carolina Register, which must include:

- A short explanation of the reason for the proposed rule.
- A link to the agency's Web site.
- A citation to the law that gives the agency the authority to adopt the rule.
- The proposed effective date of the rule.
- The date, time, and place of any public hearing scheduled on the rule, and information on requesting a public hearing if one is not scheduled
- The period of time during which and the person within the agency to whom written comments may be submitted on the proposed rule.
- If a fiscal note has been prepared for the rule, a statement that a copy of the fiscal note can be obtained from the agency.

The statute also requires an agency to: (i) accept comments on the text of a proposed rule and any fiscal note that has been prepared in connection with the proposed rule for at least 60 days after the text is published or until the date of any public hearing held on the proposed rule, whichever is longer; and (ii) consider fully all written and oral comments received.

¹ "Agency" means an agency or an officer in the executive branch of the government of this State and includes the Council of State, the Governor's Office, a board, a commission, a department, a division, a council, and any other unit of government in the executive branch. A local unit of government is not an agency. Some State agencies, however, are exempted from coverage under the State's Administrative Procedure Act (APA), or exempt from rulemaking requirements under the Chapter (see [G.S. 150B-1](#)).

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BILL ANALYSIS: Senate Bill 468 would amend G.S. 150B-21.2 to:

- Require agencies authorized to implement and enforce State and federal environmental laws² to provide citations for any data used as a basis for any part of the rule. For purposes of the provision, the term "data" would include publications, studies, white papers, or reports. Agencies subject to this requirement would need to make the cited sources accessible on their websites.
- Require such agencies to consider fully all challenges to data the agency has cited as a basis for any part of the rule, which challenges contend that the data is inappropriate, inaccurate, or outdated.

EFFECTIVE DATE: This bill would become effective October 1, 2021, and apply to rules proposed for adoption on or after that date.

² Under the State's APA, the following agencies are designated as those authorized to implement and enforce State and federal environmental laws:

- The Department of Environmental Quality.
- The Environmental Management Commission.
- The Coastal Resources Commission.
- The Marine Fisheries Commission.
- The Wildlife Resources Commission.
- The Commission for Public Health.
- The Sedimentation Control Commission.
- The North Carolina Oil and Gas Commission.
- The Pesticide Board.